

November 16, 2004

Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

To Whom It May Concern:

Please consider these public comments regarding the petition for rulemaking in the Matter of Amendment of Sections 74.1204 (a) and 73.807 of the Commissions Rules as submitted by the New Jersey Broadcasters Association on May 27th, 2004.

From 1990 until 1997, I functioned as Executive Vice President and Managing Partner of K & K Broadcasting, LLC which were the operators of Radio Station WZVU (currently WWZY) in Long Branch, New Jersey. This is a class A, 3000 watt FM station at 107.1 mHz.

I concur wholeheartedly with New Jersey Broadcasters in their assessment of the New Jersey "Anomaly". The state has the 9th largest population in the nation and yet those residents are painfully underserved by FM broadcast facilities serving their communities.

I would offer several examples of potential peril to the residents of New Jersey because of this anomaly.

The State EAS plan divides New Jersey into seven distinct operational areas. One of these, designated the "Northern Coastal Operational Area" consists of Monmouth/Ocean County. This is a large geographical area measuring 1107 square miles. The station which I managed, WZVU was one of stations serving these counties. The primary LP-1 EAS station serving these counties is WRAT, a class A station licensed in Point Pleasant which is situated so that in excess of 50% of the stations city grade signal falls over the water. In fact, this signal reaches less than half of the populated area of these two counties. Even the distant fringe of the WRAT signal does not completely blanket this service area. The situation is duplicated in the southern New Jersey EAS area designated as the "Delaware Bay Operational Area" which consists of Cumberland/Salem counties, and area of 826 square miles. The LP-1 for this area is WJKS, a class A FM whose city grade slightly more than half of the populated area.

In the Winter of 1993, while I was the manager of WZVU, the area was inundated with a massive winter snowstorm which dumped in excess of 25 inches of snow on Monmouth and Ocean counties during a 24 hour period. The snowfall paralyzed the communities. Telephone, electricity and television cable had failed. Many residents turned to their local radio stations for coverage. Our station mobilized our staff to provide 24 hour continuous health and welfare information to the residents. Those residences that had electricity and television had to rely on radio since Central New Jersey has no television outlets. Unfortunately, the WZVU severely compromised "over water" signal was unable to cover the market. Following the storm, we had listeners who praised our efforts, but asked if it was possible for the station to "get more power". Some asked if installing an outdoor antenna would facilitate better reception.

New Jersey Broadcasters Association is asking for special consideration to negate the higher interference levels currently proposed by the commission. I

believe that their request is valid and would ask the commission to seriously consider the impact of it's decisions on this matter.

Sincerely;
Jim Davis
Vice President / General Manager
Vero Beach Broadcasters, LLC
Vero Beach, Florida